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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/579,859	05/25/2000	Timothy A. Musgrove	004600.P001	7718

7590 10/10/2003

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EXAMINER

RUDY, ANDREW J

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 10/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/579,859

Applicant(s)

Musgrove et al.

Examiner

Andrew Joseph Rudy

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6 and 8-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6 and 8-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1, 2, 4-6 and 8-32 are pending. The Applicant has canceled claims 3 and 7 in the August 19, 2003 Amendment.
2. The previous rejection regarding Talib noted in Paper No. 5 mailed February 19, 2003 is withdrawn.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 2, 4-6 and 8-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 2, the term "one or more devices" is not clear as to what is being referenced.

Claim 29, line 3, the term "one or more devices" is not clear as to what is being referenced.

Claim 30, line 2, the term “one or more devices” is not clear as to what is being referenced.

Claim 31, lines 1-2, the term “one or more devices” is not clear as to what is being referenced.

Claim 32, line 4, the term “one or more devices” is not clear as to what is being referenced.

The descriptive portion of the specification, upon further review, does not contain the word “devices” as recited in the claims. Thus, it is not clear what Applicant is referencing. Correction is required. No new matter may be entered.

Claim Rejections - 35 USC § 101

5. Claims 1-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the

"progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim, the recited process must somehow apply, involve, use, or advance the technological arts.

In the present case, claims 1-30 do not apply, involve, use, or advance the technological arts.

The recited methods and system of presenting data does not apply, involve, use, or advance the technological arts since all of the recited method and system can be performed in the mind of the user or by use of a pencil and paper. These steps only constitute an idea of how to present data.

Applicant's comments have been reviewed, but are not convincing. As understood, the term "devices" could be no more than a pencil and paper. Specific correlation to the descriptive portion of the specification and appropriate support therefor is required.

Claim Rejections - 35 USC § 103

6. Claims 1, 2, 4-6 and 8-32, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobs, US 6,360,139 or 5,875,110.

Jacobs discloses a database 46 where products, e.g. col. 7, lines 27-47 are ranked 22, e.g. cols. 11-12, using feature category identifiers, e.g. 52, may be obtained using a computer arrangement. Jacobs does not specifically state that increase weighted importance of a feature category is selected. However, it is noted that one may reasonably interpret the selection criteria used by Jacobs, e.g. a male parent, to be construed as a weighted feature of importance.

Nonetheless, to have provided a weighted selection criteria for Jacobs would have been obvious to one of ordinary skill in the art. Doing such would implement common knowledge and well known selection criteria used when purchasing a product.

Regarding the scale score of rankings, it is common knowledge to rank a product by various scales, e.g. 1 to 5, when determining the desirability of a product. To have provided a score between 0 and 100 to each feature category for Jacobs would have been obvious to one of ordinary skill in the art. Doing such would implement an obvious variant used to select a certain product, e.g. child category. Likewise, to allow for parental control via links to the information requested would have been obvious to one of ordinary skill in the art. Such selection criteria is common knowledge, e.g. parental control over a child's book/movie selection option, within the art. Doing such for Jacobs would be an obvious extension of this common knowledge data control apparatus. The remaining features recited in the dependent claims are deemed contained within the list of products disclosed by Jacobs in combination with the common knowledge implementation of ranking and controlling the dissemination of such information, e.g. content based upon child/parent category..

7. Further pertinent references of interest are noted on attached PTO-892.

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Conclusion

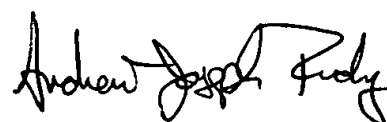
8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 703-308-7808. The examiner can normally be reached on Tuesday thru Friday, 7:30 a.m until 6 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A handwritten signature in black ink, reading "Andrew Joseph Rudy". The signature is written in a cursive, flowing style with a large, stylized "R" at the end.